

6.13.2018

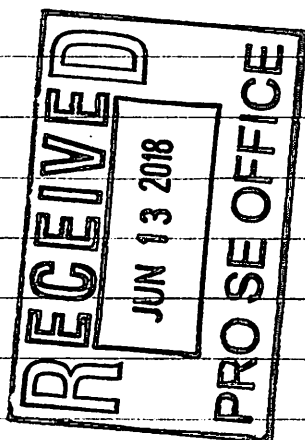
ORIGINAL

APPELLATS

LIBI HERZ ESTHER HERZ U. S. DISTRICT COURT  
18 CV 2991 EASTERN DISTRICT OF NEW-YORK (Brooklyn)  
(RRM)

DEAR H. JUDGE ROSLYNN R. MAUSKOFF  
CAUSE: 281334 BANKRUPTCY APPEAL

1142921 CASE NO. IN THE BANKRUPTCY COURT



ALL THE CASES WAS REMOVED  
BY H. JUDGE CARLA E. CRAIG 3-4 YEARS  
WE WAS IN COURT THE JUDGE  
EXPUNGED THE CLAIMS BUT THEY  
ALREADY RECEIVED \$58,000 FOR THIS  
CASE FROM SILERMAN ESTATE ON  
1.2018. THE TRUSTEE PAID  
TO CHASE ON 6.1.2018 | WHEN  
I MADE THE APPEAL 5 MONTHS !!  
CHASE DO NOT WENT THE PAIEMENT.  
THE JUDGE C. CRAIG IN THE SCRIPT  
SHE NOTED THAT SHE WILL KEEP CLOSE  
EYE ON THE ACCOUNTING !!  
IT IS FOR 2 ABOUT \$1,000 FOR THE CREDIT  
CARD THAT WAS REMOVED ON 4.18.2011  
SEE (5.26.2015) THEY HAVE ABOUT \$58,000 !!  
WE WANT MY FEES AND EXPENSES  
ASSOCIATED WITH THIS LITIGATION REIMBURSED  
BY THE TRUSTEE AND THE ATTORNEY M.A. M. SOLOMON  
IN THE SCRIPT SHE PROMISED MANY TIMES.  
FILED ON: 5.21.2018 (6.1.2018)

I AM pro s. I hope The H. JUDGE  
will considered This case and ~~and~~ ~~and~~

see PROOFS OF The TRANSCRIPT  
my DOTHER LIBI HERZ in frail Health

Thank you

ESTHER HERZ E HERZ  
1148 E 10 ST. BROOKLYN  
NY. 11230  
TL 347 525 7229

C.C. Moshie Solomon  
Richard O'CONNELL

**Exhibit A**

exempt, abandoned and/or outside of any applicable statute of limitations to be considered an asset of the debtor's estate.

4. Furthermore, as there are little to no claims against the debtor's estate I believe this acquisition of these funds is an exercise to line the pockets of the Chapter 7 trustee as to administration expenses to be billed against the debtor's estate.

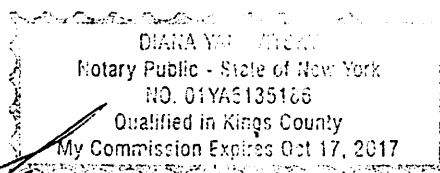
5. I am in frail health and I believe we are being taken advantage as there is no debts of the estate to be truly administered. I want my fees and expenses associated with this litigation reimbursed by the trustee.

**WHEREFORE**, your affirmant respectfully requests an order expunging Claim #6 and Claim #7 filed by Chase Bank USA, N.A. and an Order altering and amending the June 9, 2015 Order of this Court and staying the transfer of the subject assets until this motion is resolved, together with any other and further relief that this court deems just and proper

E. HERZ  
ESTHER HERZ

Sworn to before me this  
12 day of June, 2017

Diana Y. Yick  
Notary Public



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

DAVID HERZ

Debtor.

AFFIDAVIT IN SUPPORT

Chapter 7

Case No. 11-42921-CEC

STATE OF NEW YORK }  
COUNTY OF KINGS } ss.:

ESTHER HERZ, being duly sworn and under the penalties of perjury  
deposes and says:

1. I am the widow of the debtor in the above entitled bankruptcy proceeding and as such I am familiar with the facts and circumstances of this action. I make this affidavit in support of the instant motion objecting to the proofs of claim filed by Chase Bank USA, N.A. and to reconsider the June 9, 2015 Order.

2. I have reviewed the proofs of claim submitted by this Creditor. I object to the debt. Furthermore, pursuant to my previous attorney's communications with Chase it is purported that Chase no longer has a claim on its credit cards which is the basis for its proof of claim. Neither Chase nor other creditors made claims against my husband's estate before the Trustee gave them notice.

3. I object to the inheritance funds held by Peter Robert Alfred Birchwood as Trustee for the Estate of Ellen Ruth Silberman being transferred to the Chapter 7 trustee, Richard E. O'Connell. In 2014 I was contacted by the trustee and he demanded \$100,000 or he would reopen my case and make my life miserable. I believe these funds to be

ROSENBERG, MUSSO & WEINER, LLP  
*Attorneys At Law*

BRUCE WEINER  
ROBERT J. MUSSO

LOUIS P. ROSENBERG  
(1908-1997)

ROBERT NADEL

26 COURT STREET  
SUITE 2211  
BROOKLYN, N.Y. 11242

(718) 855-6840  
FAX NO. (718) 625-1966

Email: [rmwlaw@att.net](mailto:rmwlaw@att.net)

May 8, 2015

**Fax Only: (866) 643-9628**

Chase Bank  
Correspondence Dept.

Re: David Herz  
Bankruptcy Case #: 14-42921

Dear Madam/Sir:

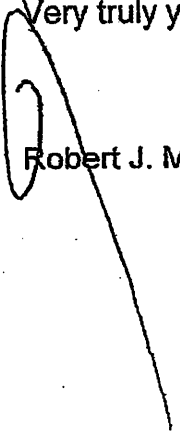
This office represents Esther Herz, the widow of David Herz. I also now represent Mrs. Herz in her husband's bankruptcy case. Last night I had lengthy phone conversations with Matt, Will and Amal of Chase. Amal suggested I send this letter as the legal representative. David Herz filed chapter 7 bankruptcy on April 8, 2011. Mr. Herz died on January 4, 2013 (copy of death certificate Ex. 1). Chase filed proof of claim #6 on February 23, 2015 (Ex. 2) and claim #7 on February (Ex. 3). Chase did not learn of Mr. Herz's death until recently — a time after Chase filed the claims in the bankruptcy case.

Mrs. Herz has been advised that due to her husband's death, Chase no longer has a claim on its credit cards, which was the basis for the proofs of claim.

With this letter Esther Herz is requesting Chase declare its claim a nullify and withdraw the proofs of claims filed in the bankruptcy court.

Mrs. Herz appreciates the actions of Chase to resolve this matter.

Very truly yours,

  
Robert J. Musso

RJM:cc

cc: Esther Herz

Cardmember Service  
Post Office Box 15298  
Wilmington, DE 19850-5298  
1-800-436-7937



05/26/2015

ESTHER HERZ  
1148 E 10TH ST  
BROOKLYN NY 11230

RE: 426690203602XXXX (2687)

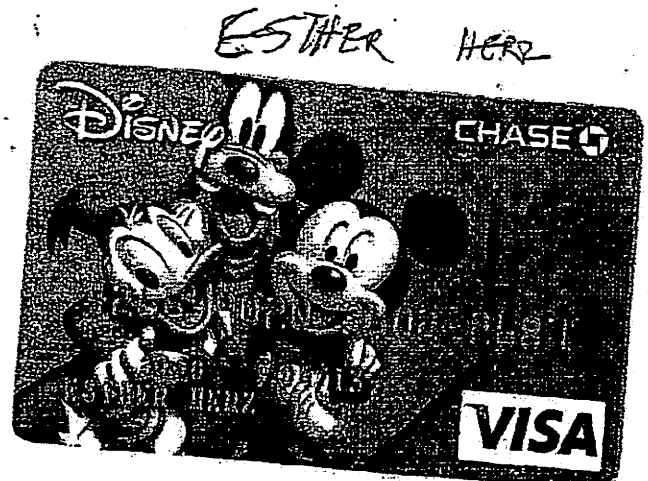
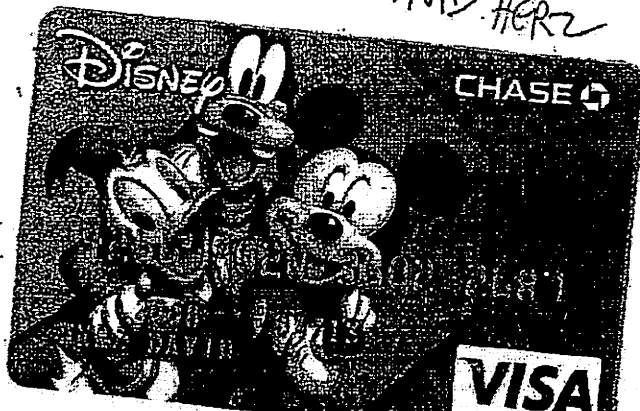
Dear Esther Herz:

This letter is confirmation that you have been removed from the credit card account indicated above. This change was effective on April 18, 2011.

If you have additional questions, please call us at the toll-free number noted above. For your convenience, we are available 24 hours a day to assist you.

Sincerely,

Kristi Carnahan  
Senior Servicing Specialist



Cardmember Service  
Post Office Box 15298  
Wilmington, DE 19850-5298  
1-800-436-7937



05/26/2015

ESTHER HERZ  
1148 E 10TH ST  
BROOKLYN NY 11230

RE: 418582171723XXXX (8123)

Dear Esther Herz:

This letter is confirmation that you have been removed from the credit card account indicated above. This change was effective on April 13, 2011.

If you have additional questions, please call us at the toll-free number noted above. For your convenience, we are available 24 hours a day to assist you.

Sincerely,

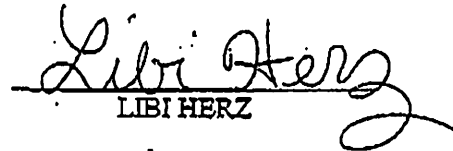
Kristi Carnahan  
Senior Servicing Specialist



4. Furthermore, as there are little to no claims against the debtor's estate I believe this acquisition of these funds is an exercise to line the pockets of the Chapter 7 trustee as to administration expenses to be billed against the debtor's estate.

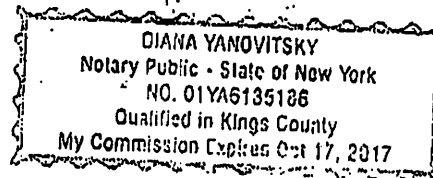
5. My mother is in frail health and I believe we are being taken advantage as there is no debts or assets of the estate to be truly administered.

WHEREFORE, your affirmant respectfully requests an order expunging Claim #6 and Claim #7 filed by Chase Bank USA, N.A. and an Order altering and amending the June 9, 2015 Order of this Court and staying the transfer of the subject assets until this motion is resolved, together with any other and further relief that this court deems just and proper.

  
LIBI HERZ

Sworn to before me this  
12 day of June, 2017

  
Notary Public



50  
210  
7/24/18

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re:

AFFIDAVIT IN SUPPORT

DAVID HERZ

Chapter 7

Case No. 11-42921-CEC

Debtor.

STATE OF NEW YORK }  
COUNTY OF KINGS } ss.:

LIBI HERZ, being duly sworn and under the penalties of perjury  
deposes and says:

1. I am the administratrix of the debtor's estate in the above entitled  
bankruptcy proceeding and as such I am familiar with the facts and circumstances of this  
action. I make this affidavit in support of the instant motion objecting to the proofs of  
claim filed by Chase Bank USA, N.A. and asking to reconsider the June 9, 2015 Order.

2. I have reviewed the proofs of claim submitted by this Creditor. I object to  
the debt. Furthermore, pursuant to my previous attorney's communications with Chase it  
is purported that Chase no longer has a claim on its credit cards which is the basis for its  
proof of claim.

3. I object to the inheritance funds held by Peter Robert Alfred Birchwood as  
Trustee for the Estate of Ellen Ruth Silberman being transferred to the Chapter 7 trustee,  
Richard E. O'Connell. I believe these funds to be exempt, abandoned and/or outside of  
any applicable statute of limitations to be considered an asset of the debtor's estate.

2/2 25  
JRP

**Exhibit "B"**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

DAVID HERZ,

Chapter 7

Case No. 11-42921 (CEC)

Debtor.

-----X

**ORDER DIRECTING TURNOVER OF ESTATE PROPERTY**

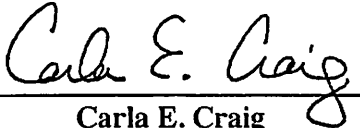
Upon the motion, dated March 24, 2015 (the "Motion"), of Richard E. O'Connell, Chapter 7 Trustee for the estate (the "Estate") of David Herz (the "Debtor"), for entry of an order pursuant to 11 U.S.C. §§ 541(a) and 542(a) directing Peter Robert Alfred Birchwood as Trustee for the Estate of Ellen Ruth Silberman (the "Silberman Estate") to turn over to the Trustee certain property of the Estate; and it appearing that the relief requested in the Motion is appropriate and warranted under the circumstances set forth in the Motion; and this Court having considered the Motion and the exhibits attached thereto; and a hearing on the Motion having been held before this Court on May 28, 2015 and the record thereof; and all objections to the Motion having being heard by this Court and overruled;

NOW THEREFORE,

IT IS ORDERED, that Peter Robert Alfred Birchwood as Trustee for the Estate of Ellen Ruth Silberman be and hereby is directed to turn over and remit any and all funds that the Debtor is entitled to receive from the Silberman Estate directly to Richard E. O'Connell as Chapter 7 Trustee for the Estate of David Herz.

Dated: Brooklyn, New York  
June 9, 2015



  
Carla E. Craig  
United States Bankruptcy Judge

ORDERED, that the Law Offices of Moshie Solomon, P.C., Attorney for the Trustee, is awarded attorney's fees and reimbursement of expenses in the respective amounts of \$42,560 and \$250.18.

**Dated: Brooklyn, New York  
May 4, 2018**



  
Carla E. Craig  
United States Bankruptcy Judge

David Herz  
1148 East 10th Street  
Brooklyn, NY 11230

EASTERN DISTRICT OF N.Y.  
UNITED STATES  
DISTRICT COURT  
18 / CV / 2991

041415 41415 1 MB 0.421 11230 2 4 8559-1-41669



Libi & Esther Herz  
1148 E 10 St  
Brooklyn NY 11230-4706

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In Re

DAVID HERZ,

Case No. 11-42921 (CEC)

Debtor.

-----X

**ORDER SETTLING AND ALLOWING TRUSTEE'S FINAL REPORT AND  
ACCOUNT AND AWARDED FINAL COMPENSATION TO THE TRUSTEE AND  
THE ATTORNEYS FOR THE TRUSTEE**

WHEREAS, on March 28, 2018, Richard E. O'Connell (the "Trustee"), trustee in bankruptcy, submitted to the United States Trustee his Trustee's Final Report and Account (the "Final Account"), including his application for final award of trustee's commissions of \$6,084.02 (the "Commission Application"); and also submitted the Application of Law Offices of Moshie Solomon, P.C., Attorney for the Trustee, for final allowance of attorney's fees and expenses (the "Attorney's Fee Application"), in the respective amount of \$42,560 and \$250.18; and

WHEREAS, on April 3, 2018, the United States Trustee filed a Statement of No Objection to the Final Account, including the Commission Application, and to the Attorney's Fee Application; and

WHEREAS, the Final Account and the Attorney's Fee Application were filed on the Docket of this Court on April 3, 2018, and April 5, 2018, respectively; and

WHEREAS, Notice of the Filing of the Final Account, including the Commission Application, and of the Attorney's

Fee Application, and of the Hearing scheduled thereon for May 2, 2018, was filed on April 7, 2018; and such Notice of Filing and of Hearing was served by first class mail upon all parties in interest, as appears from the Certificate of Service filed by Joseph Speetjens, dated April 11, 2018; and

WHEREAS, on April 24, 2018, Michael L. Walker, attorney for Libi Herz, as administratrix for the Decedent's Estate of Debtor David Herz, filed an Affirmation in Opposition to the Attorney's Fee Application (the "Walker Affirmation"); and Libi Herz, as administratrix, filed an Affidavit in Opposition to such Application (the "Herz Affidavit"); and

WHEREAS, on April 30, 2018, Law Offices of Moshie Solomon, P.C., Attorney for the Trustee, filed a Reply to the Walker Affirmation and to the Herz Affidavit;

WHEREAS, this Court finds, on the basis of all of the foregoing facts and circumstances, and having heard argument in respect to the Attorney's Fee Application, and to the papers filed in opposition thereto, that good and sufficient cause has been shown for settlement, approval and allowance of the Final Account, and for the final award of Commissions and of Attorney's Fees and Expenses, as requested in the respective Applications therefor; and for denial of the opposition of Libi Herz to the Attorney's Fee Application;

NOW THEREFORE, it is hereby

ORDERED, that the Trustee's Final Report and Account is settled, approved and allowed. It is further

ORDERED, that the Trustee, having waived reimbursement of expenses, is awarded commissions in the final amount of \$6,084.02. And it is further



Exhibit C

6. The Trustee has been in contact with the attorney for the Silberman Estate several times since the case has been reopened to ascertain the status of the proceedings in England, and is currently awaiting an update as to the status of such proceedings. The Trustee has also requested and is awaiting information as to whether the trustee for the Silberman Estate will require any additional documentation, or an Order of this Court requiring turnover of the funds, to facilitate the conclusion of the proceedings in England and allow for the proper distribution of the funds to the Bankruptcy Estate.

7. For the reasons set forth above, we respectfully submit that there is no cause to dismiss this Chapter 7 Case at this point in time, and a dismissal is not in the best interest of the Bankruptcy Estate nor the creditor thereof.

**WHEREFORE**, for all the reasons stated herein, the Trustee respectfully requests that the Court deny the Motion, and grant such other and further relief as is just and proper.

Dated: New York, New York  
January 8, 2015

LAW OFFICES OF MOSHIE SOLOMON, P.C.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, NY 10001  
(212) 594-7070

By s/ Moshie Solomon  
Moshie Solomon

*Counsel for Richard E. O'Connell, Chapter 7 Trustee*

Moshie Solomon  
LAW OFFICES OF MOSHIE SOLOMON, P.C.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, NY 10001  
(212) 594-7070

*Counsel for Richard E. O'Connell, Chapter 7 Trustee*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

DAVID HERZ,

Chapter 7

Case No. 11-42921 (CEC)

Debtor.

-----X

**CHAPTER 7 TRUSTEE'S OBJECTION TO DEBTOR'S MOTION FOR AN ORDER  
PURSUANT TO 11 U.S.C. §§ 305(a) AND 707(a) DISMISSING HIS CHAPTER 7 CASE**

TO: THE HONORABLE CARLA E. CRAIG,  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Richard E. O'Connell, chapter 7 trustee (the "Trustee") for the estate (the "Bankruptcy Estate") of David Herz (the "Debtor"), by and through his undersigned counsel, submits this objection to the motion (the "Motion") of the Debtor for entry of an order pursuant to 11 U.S.C. (the "Bankruptcy Code") §§ 305(a) and 707(a) dismissing the captioned bankruptcy case (the "Chapter 7 Case"), and respectfully represents as follows:

1. The Motion is predicated entirely on the fact that as of the date of the Motion, all creditors who had filed proofs of claim in this Chapter 7 Case had withdrawn those claims, and no other creditors had come forth with claims against the Bankruptcy Estate. The Debtor argues, therefore, that since there were no creditors seeking a distribution from the Bankruptcy Estate, the Trustee had no reason to administer the Bankruptcy Estate and the Chapter 7 Case should be dismissed.

Exhibit  E

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

Case No. 11-42921  
Chapter:

In re:  
David Herz

Debtor(s)

Motion  
APPLICATION IN SUPPORT OF  
ORDER TO SHOW CAUSE

U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK

2017 MAR 21 P 1:13

RECEIVED

To the Hon. Judge Craig, Bankruptcy Judge,

I Libi Herz

Movant herein, make this application in support

of my Order to Show Cause to seek entry of an Order to:

Vacate an old order dated back from 2015 to release  
the funds in England to New York trustee. This order  
has still not been put into effect and the money is still in  
England, and to not lose on the transfer from the pound I would  
like it to please stay there.

In support of the relief requested, I hereby allege as follows:

At this time our trial has come to a close, and all  
claims have been expunged. The 2015 order was made before  
the trial. I kindly ask as the money is still in England  
and there is no money owed to any creditors, that it stays  
there. The trustee in England has notified me that he has  
only now just received this order. As administrator of my  
father's estate I ask you to please grant me the authority to

leave the money in England as I am also a citizen of Europe.  
The trustee will not release the funds to me without an  
order from my

WHEREFORE, Movant prays for the entry of an Order to Show Cause granting the relief requested.

By:

Libi Herz  
(Signature of Movant)

Dated:

March 21, 2017

Type or Print Name:

Libi Herz

Address:

1148 E. 10<sup>th</sup> St.  
Brooklyn N.Y. 11230  
917-251-2848

Telephone Number:

Attached is the letter from my then lawyer on the case which I sent to the England trustee, and he then told me he just received the 2015 order. The funds have still not been distributed and I ask this matter. Thank You.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

DAVID HERZ Debtor.

Case No. 11-42921

Chapter 7

**CERTIFICATE OF SERVICE**

The undersigned certifies that on 6.2.2018, a copy of  
(Date of Service/Mailing)

DESIGNATION AND STATEMENT OF ISSUES  
(Title of Document(s) served)

was served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, upon *[below specify the name and mailing address of each party served]*:

Moshie SOLOMON  
5 PENN PLAZA 23 FLOOR  
NEW-YORK N.Y. 10001

RICHARD O'CONNELL  
P.O. BOX 405  
WITHE STONE, NY 11357

Dated: 6.1.2018

E. HERZ  
Signature  
Print name: 1148 E 10 ST  
Address: BROOKLYN NY 11236  
Phone: 3475257229  
Email: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

Case No.

11-42921

Chapter

7

DAVID HERZ Debtor.

## DESIGNATION OF RECORD

DOCKET NUMBERDESCRIPTION

58	TRANSCRIPT
64	TRANSCRIPT
87	TRANSCRIPT
89	TRANSCRIPT
90	TRANSCRIPT
93	TRANSCRIPT
94	TRANSCRIPT
100	TRANSCRIPT
107	TRANSCRIPT
109	TRANSCRIPT
113	TRANSCRIPT
131	TRANSCRIPT
169	ORDER
173	OBJECTION
157	ORDER
159	TRUSTEE FINAL REPORT
156	AFFIRMATION OPPOSITION
164	AFFIRMATION
165	AFFIRMATION
125	MOTION

6.1.2018

E.HERZ

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

DAVID HERZ Debtor.

Case No.

Chapter

1142921  
7

STATEMENT OF ISSUES

JUDGE CARLA E CRAIG AWARDED COMPENSATION OF \$42,810.18 TO A TRUSTEE'S ATTORNEY'S FEE EVEN AFTER SHE RULED ALL CLAIMS WERE EXHAUSTED AND HAD MERIT. THIS IS FROM AN INHERITANCE I WILL HAVE NOT RECEIVED AND AN ADDITIONAL \$6,084.02 BUT THEY ALREADY RECEIVED \$58,000. FOR OVER 4 YEARS THIS HAS DRAGGED ON AND IN THE COURT & SCRIPT SHE NOTED THAT SHE WILL KEEP CLOSE EYE ON THE ACCOUNTING BUT YET SHE DID NOT AND LET US GET TAKEN ADVANTAGE OF, LIKE SHE PROMISED WOULD NOT HAPPEN.

Dated:

6.1.2018

E. HERZ

Signature

Print name:

Address:

Phone:

Email:

ESTHER HERZ

1148 E 10 ST.  
13 BROOKLYN NY 11230

347 525 7229



Official Form 417A (12/15)

[Caption as in Form 416A, 416B, or 416D, as appropriate]

**NOTICE OF APPEAL AND STATEMENT OF ELECTION****Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Libi Herz & Esther Herz  
Administrator of the Estate of David Herz & spouse
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff☐ Defendant☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor☐ Creditor☐ Trustee☒ Other (describe) Spouse & daughter of David Herz**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Settling & Awarding Compensation to the trustee
2. State the date on which the judgment, order, or decree was entered: May 4, 2018 & Attorneys

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Counsel for Attorney: Moshie Solomon  
Richard E. O'Connell, Law Offices of Moshie Solomon, P.C.  
Chapter 7 Trustee 5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, N.Y.  
(212) 594-7070
2. Party: Chapter 7 Trustee Attorney: Richard O'Connell  
Yost O'Connell  
Post Office Box 405  
White Stone, N.Y. 11357  
(917) 671-7530

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

Libi Herz, E. Herz  
Signature of attorney for appellant(s) (or appellant(s)  
if not represented by an attorney)

Date: 5/18/18

Name, address, and telephone number of attorney  
(or appellant(s) if not represented by an attorney):

Libi & Esther Herz  
1148 E. 10 St.  
Brooklyn N.Y. 11230  
(917) 251-2848

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF  
NEW YORK UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

2018 MAY 18 P 2:45 CIVIL COVER SHEET

This form is REQUIRED for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

RECEIVED  
IN RE: Bankruptcy Case No. 11-42921-ccc Adv. Pro. No. (if applicable) \_\_\_\_\_

Bankruptcy Appeal

APPELLANTS

Libi Herz, Esther Herz

APPELLEES

Moshie Solomon,  $\frac{1}{2}$   
Richard E. O'Connell

ATTORNEYS (FIRM NAME, ADDRESS, TEL. NO.)

ATTORNEYS (IF KNOWN)

BASIS OF JURISDICTION: Federal Question

CAUSE OF ACTION - 28:1334 Bankruptcy Appeal (Write brief statement of cause.) Judge Carla E. Craig awarded compensation of \$42,810.18 to a trustee & his attorney's even after she had ruled all claims were expunged and had no merit. This is from an inheritance I still have not recieved. ~~the~~ And an additional \$6,084.02, but they already recieved \$58,000+. For over 4 years this has dragged on and in the NATURE OF SUIT: 422 Bankruptcy Appeal (801) court + script she noted that she will keep close eye on the accounting but yet she did not and let us get taken advantage of, like she promised would not happen.

RELATED CASE(S) IN DISTRICT COURT, IF ANY

DISTRICT JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF PENDING CASE INVOLVED:

- ☐ 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT  
☐ 2. SAME ISSUE OF FACT OR GROWS OUT OF THE SAME TRANSACTION  
☐ 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT COPYRIGHT OR TRADEMARK

Date: 5/18/18

Signature of Attorney of Record:  
[or Appellant Pro Se]

*Libi Herz*

*ESTHERZ*

FOR COURT USE ONLY

APPLYING IFR \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

**CIVIL COVER SHEET, Bankruptcy Appeal (cont'd)**

Did the cause of action arise in Nassau or Suffolk County? \_\_\_\_\_

If YES, please indicate which county: \_\_\_\_\_

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

YES ☐

NO ☒

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

YES ☐ (If yes, please explain)

NO ☐

Please provide your bar code and e-mail address below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number, or any other four-digit number registered by the attorney with the Clerk of Court. This information must be provided pursuant to local rule 11.1(b) of the local civil rules.

Attorney Bar Code: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_